



MONTGOMERY COUNTY ETHICS COMMISSION

Rahul K. Goel
Chair

Steven Rosen
Vice Chair

February 27, 2019

Waiver 19-02-001

Pursuant to § 19A-12(b)(1)(B) of the Public Ethics Law, a public employee must not be employed by a business that negotiates or contracts with the County agency with which the public employee is affiliated, unless the Ethics Commission grants a waiver.

Alfredo Escudero Merino is a Mechanic II at the Division of Fleet Management Services at the Montgomery County Department of General Services (DGS). He would like to engage in outside employment as a mechanic at Atel Bus and Truck (Atel), an entity which contracts with DGS.

DGS has a contract with Atel for transit bus repair and service. In his County position, Mr. Escudero Merino is a mechanic performing maintenance and repairs for transit buses. In his capacity as a mechanic for Atel, he will be diagnosing and repairing electrical and mechanical problems on medium and heavy duty vehicles. Mr. Escudero Merino holds no contracting responsibilities in his roles with either entity. The proposed outside employment with Atel is in no way funded by the contract Atel has with DGS. And according to Mr. Escudero Merino's direct supervisor, Ahron Berney, DGS has not actually used Atel's services for a number of years now. While the contract remains in place, it is inactive.

Pursuant to § 19A-8(b)(3) of the Public Ethics Law, the Ethics Commission may grant a waiver of the prohibition of § 19A-12(b) if the Ethics Commission concludes that the proposed employment is not likely to create an actual conflict of interest. Upon a review of the request and the Department's concurrence in and support for the waiver request, the Commission finds that there is no actual conflict of interest. Pursuant to the standard of § 19A-8(b)(3), the Commission grants the waiver of the prohibition of § 19A-12(b).

The waiver is conditioned on Mr. Escudero Merino not working in his County capacity on matters involving any County contracts involving Atel and on his not representing Atel in its contractual dealings with DGS or performing services on Atel's contract with the County in the event it becomes active.

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This waiver expires when the outside employment approval with which it is associated expires, unless a continuation request for outside employment is timely filed and subsequently approved by the Ethics Commission.

In reaching this decision, the Commission has relied upon the facts as presented by Mr. Escudero Merino.

For the Commission:

A handwritten signature in blue ink, appearing to be 'R. Goel', written over a horizontal line.

Rahul K. Goel, Chair